

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIVIAN AND LEONARD JUDELSON, as)	
Trustees of the VIVIAN JUDELSON)	DOCKET NUMBER: 07-7972-PKC
REVOCABLE TRUST DATED 10/9/95, and)	
VIVIAN S. JUDELSON CONTRIBUTORY)	
IRA, Individually and On Behalf of All Others)	HON. P. KEVIN CASTEL
Similarly Situated,)	
)	
)	
Plaintiffs,)	
vs.)	
)	
TARRAGON CORPORATION, WILLIAM S.)	
FRIEDMAN, ROBERT P. ROTHENBERG)	
and ERIN D. PICKENS,)	
)	
)	
Defendants.)	

(Caption continued on the following pages)

DECLARATION OF KIM E. MILLER IN SUPPORT OF THE MOTION OF PASCUAL RODRIGUEZ TO CONSOLIDATE RELATED ACTIONS; TO BE APPOINTED LEAD PLAINTIFF; AND TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL

HENRY NELSON, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

TARRAGON CORPORATION, WILLIAM S.
FRIEDMAN, ROBERT P. ROTHENBERG,
and ERIN DAVIS PICKENS,

Defendants.

)
)
) DOCKET NUMBER: 07-8438-PKC
)
)

) HON. P. KEVIN CASTEL
)
)
)

PAUL BERGER, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

TARRAGON CORPORATION, WILLIAM S.
FRIEDMAN, ROBERT P. ROTHENBERG
and ERIN D. PICKENS,

Defendants.

)
)
) DOCKET NUMBER: 07-8689-PKC
)
)

) HON. P. KEVIN CASTEL
)
)
)

I, Kim E. Miller, hereby declare as follows:

1. I am member of the law firm of Kahn Gauthier Swick, LLC.
2. Pascual Rodriguez seeks appointment as Lead Plaintiff pursuant to Section 21D of the Securities Exchange Act of 1934 in the above-captioned actions.
3. I submit this Declaration, together with the attached exhibits, in support of the Motion of Pascual Rodriguez, to appoint him to serve as Lead Plaintiff on behalf of the Class and to approve Pascual Rodriguez' choice of Kahn Gauthier Swick, LLC, as Lead Counsel. I am fully familiar with the facts set forth herein.
4. Attached hereto as Exhibit A is a true and correct copy of the sworn shareholder certification of the Pascual Rodriguez, along with a table reflecting the calculated losses incurred by Pascual Rodriguez.
5. Attached hereto as Exhibit B is a true and correct copy of the press release published on September 11, 2007, on *Business Wire*, a well-known, national business-oriented publication, announcing the pendency of the lawsuit against defendants herein.
6. Attached hereto as Exhibit C is a true and correct copy of the firm resume of Kahn Gauthier Swick, LLC.

I declare under penalty of perjury under the laws of the state of New York that the foregoing facts are true and correct. Executed this 13th day of November, 2007, at New York, New York.

/s/ Kim E. Miller
Kim E. Miller